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12  
13 UNITED STATES DISTRICT COURT  
14 CENTRAL DISTRICT OF CALIFORNIA  
15 WESTERN DIVISION  
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17 JENNY FLORES, et al.,  
18  
19 Plaintiff,  
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21 v.  
22 WILLIAM BARR,  
23  
24 Defendant.  
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27  
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Case No. 2:85-CV-04544-DMG-AGR

***EX PARTE APPLICATION FOR  
LEAVE TO FILE BRIEF OF  
AMICI CURIAE OF KIDS IN  
NEED OF DEFENSE ET AL.***

1 Amici Curiae, Kids in Need of Defense (“KIND”), together with the Capital  
 2 Area Immigrants’ Rights Coalition, the Florence Immigrant and Refugee Rights  
 3 Project, the Immigrant Children Advocates’ Relief Efforts Coalition, the National  
 4 Immigrant Justice Center, the Northwest Immigrant Rights Project, and the Young  
 5 Center for Immigrant Children’s Rights (collectively, “Amici”), hereby request  
 6 leave to file the attached Proposed Brief of Amici Curiae in Support of Plaintiffs’  
 7 Motion to Enforce the Settlement. *See* Dkt. No. 578. A copy of the proposed brief  
 8 is attached hereto as Exhibit 1.

9 As required by Civil Local Rules 7-19 and 7-19.1, Amici contacted Plaintiffs  
 10 and Defendants to obtain their consent to Amici’s filing of the brief. Plaintiffs and  
 11 Defendants consented to Amici’s filing of this brief.

12 The Court has “broad discretion to permit individuals or entities to  
 13 participate in a case as amici curiae.” *Courthouse News Serv. v. Yamasaki*, No.  
 14 SACV 17-00126-AG (KESx), 2017 WL 3610481, at \*1 (C.D. Cal. Aug. 7, 2017)  
 15 (internal quotation marks and citation omitted); *see Ruelas v. Muniz*, No. SACV 14-  
 16 01761-VBF-AFM, 2016 WL 4009953, at \*1 n.1 (C.D. Cal. May 6, 2016) (“[A]  
 17 federal court has the inherent authority to permit or request that parties, or even  
 18 non-parties, file briefs illuminating the issues raised by a pleading or motion.”).

19 The Flores Settlement Agreement (the “FSA” or “Settlement”) calls for the  
 20 promulgation of final regulations that implement its “relevant and substantive”  
 21 terms and are “not inconsistent” with its terms. Settlement ¶ 9; *see* Dkt. No. 101,  
 22 Ex. 3 (Stipulation Extending Settlement Agreement and for Other Purposes; and  
 23 Order Hereon). On August 23, 2019, the Department of Homeland Security and the  
 24 Department of Health and Human Services published in the Federal Register a final  
 25 rule which is described as adopting “regulations that implement the relevant and  
 26 substantive terms of the FSA” (the “Final Rule”). *See* 84 FR No. 164, 44392-  
 27 44535 (Aug. 23, 2019).

28 Amici have a strong interest in ensuring that the FSA remains in effect until

1 it is fully and faithfully implemented by regulations. Amici are coalitions and  
2 nonprofit organizations that provide legal and social services to children and  
3 families in immigration proceedings. The Final Rule has a profound impact on  
4 children's abilities to access vital social services and legal assistance – services that  
5 Amici provide. Amici have grave concerns about the Final Rule, including but not  
6 limited to the portions that pertain to redeterminations under the unaccompanied  
7 alien child definition, loopholes that relax custody and transfer standards, reduced  
8 due process in bond redeterminations, inadequate provisions for oversight and  
9 compliance monitoring, and the use of detention as a deterrent to future migration.

10 For these reasons, Amici submit the proposed brief to assist the Court in the  
11 adjudication of Plaintiffs' motion.  
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15 Dated: August 30, 2019

GOODWIN PROCTER LLP

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1 Dated: August 30, 2019

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